

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

KUMON NORTH AMERICA, INC.)	
)	
Plaintiff,)	No. 07 C 7254
)	
v.)	Judge Norgle
)	Magistrate Judge Schenkier
STEPS TO SUCCESS, INC. AND PALI SHAH,)	
)	
Defendants.)	

MOTION FOR RULE TO SHOW CAUSE AGAINST CHRISTINA KELLEY

Plaintiff Kumon North America, Inc. (“Kumon” or “Plaintiff”), by its attorneys, and pursuant to Fed. R. Civ. P. 45 respectfully moves the Court to Order Christina Kelley to Show Cause why she has defied a subpoena to appear for a deposition, and states as follows:

PERTINENT FACTS AND ARGUMENT

1. On Thursday, April 10, 2008, Kumon served Steps to Success, Inc. employee Christina Kelley with a subpoena ordering her to appear for a deposition on Tuesday, April 15, 2008, at 9 a.m. at the offices of Kumon’s attorneys in Chicago, Illinois. (*See* Subpoena and Affidavit of Service attached as Exhibit A).
2. On Friday night, April 11, 2008, attorneys for Kumon received a request from Ms. Kelley that her deposition be rescheduled on Thursday, April 17, 2008, to accommodate her schedule. (*See* Email from Rory Valas dated April 11, 2008 attached as Exhibit B).
3. Kumon rescheduled Ms. Kelley’s deposition for Thursday, April 17, 2008, at 10 a.m. (*See* Email dated April 14, 2008 attached as Exhibit C).
4. Ms. Kelley failed to appear on Thursday, April 17, 2008 for her deposition.

WHEREFORE, plaintiff respectfully requests the Court order Ms. Kelley to show cause for her failure to comply with her subpoena or deem Ms. Kelley in contempt of court.

Dated: April 25, 2008

Respectfully submitted,

CHENG COHEN LLC

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